

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

---

DERRICK D. CAIN #256881,

Plaintiff,

v.

P. CARUSO, et al.,

Defendants.

---

Case No. 2:10-CV-77

Hon. Gordon J. Quist

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on January 31, 2012. The Report and Recommendation was served on Plaintiff via United States mail the same date. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge filed January 31, 2012, is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (docket no. 63) is **GRANTED IN PART AND DENIED IN PART**. The motion is **granted** with regard to: (1) Plaintiff's claims for injunctive relief; (2) Plaintiff's claim for damages under the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc-1; and (3) Plaintiff's First Amendment claim against Defendants Barney, Downing, and Gerth. The motion is **denied** with regard to: (1) Plaintiff's First Amendment claims against Defendants Tribley, Warr, Beth Smith, Terri Smith, Burke, and Gerard; and (2) Plaintiff's First Amendment retaliation claim against Defendant Reynolds.

Dated: March 6, 2012

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE